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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,400	10/13/2000	H. Winston Maue	LUTA 0232 PUSP	9510

7590 05/13/2002

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EXAMINER

BUDD, MARK OSBORNE

ART UNIT PAPER NUMBER

2834

DATE MAILED: 05/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

68740

Applicant(s)

Mave et al

Examiner

M. Budd

Group Art Unit

2834

---The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address---

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4-3-02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 7-10 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 7-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3 & 10
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 2834

Claims 7-10 are rejected under 35 USC 103 as unpatentable over McKee, Ipcinski or Park in view of Muirhead, Wood or Iwarth (or vice versa) for the specific reasons set forth paper no. 8 (2-4-02). In short the specific reasons set forth in paper no. 8 (2-4-02). In short the specific piezo generator using a Bellville washer is taught by Ipcinski, Park and McKee. The Bellville washer gives a repeatable impact force on the piezo element which gives a predictable output as well as protecting the piezo element from over-stress (too high an impact). Using a piezoelectric generator in a wireless system is well known as clearly taught by wood. Muirhead and Iwrath. A piezoelectric generator is useful in such applications as it provides a self contained power supply. Selecting a specific piezoelectric generator based on its known, expected attributes (e.g. piezo element protection and repeatable impact force) has long been held to be within the skill expected of the routineer. Likewise, putting a specific piezoelectric generator to a use already known to be suitable and/or advantageous to use of a piezoelectric generator would have been obvious to one of ordinary skill in the art.

Regarding applicants comments note that Muirhead would benefit from the Belleville washer actuator as it would provide a threshold force required for activation as well as a predictable voltage output to the ignighter.

Ikrath notes (col. 21, 46-54) that activation need not be a hammar. Using a Bellvile snap activator with its aforementioned known advantages would not change the "ringing" action provided by spring #7 as purported by applicant.

Serial Number: 09/687,400

Page 3

Art Unit: 2834


In Wood, arm 28 would still operate as a vibrator if the activation was provided by a Belleville washer for its known advantages. Thus the device would not have its mode of operation changed as opined by applicant.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Budd/ds

05/09/02


MARK D. BUDY
CRIMINAL EXAMINER
ART UNIT 212